



**DEPARTMENT OF THE NAVY**  
NAVAL FACILITIES ENGINEERING COMMAND  
1322 PATTERSON AVENUE, SE, SUITE 1000  
WASHINGTON NAVY YARD, DC 20374-5065

5720

Ser BD/065

APR 24 2017

Mr. Craig Whitlock  
1301 K Street, NW  
Washington, DC 20071

Dear Mr. Whitlock,

Subj: YOUR FREEDOM OF INFORMATION (FOIA) CASE NUMBER DON-NAVY-2017-005569

A referral was received from the Naval Inspector General who is currently processing your FOIA request DON-NAVY-2017-004968. The referral was received on April 18, 2017 and assigned case number DON-NAVY-2017-005569.

We have enclosed two documents which are being released to you in part. Portions of these materials are being withheld under the following FOIA Exemptions; (5 U.S.C. § 552 (b)(6)) which protects personnel and medical files and similar files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; and (5 U.S.C. § 552 (b)(2)) which protects information related solely the internal personnel rules and practices of an agency.

You have the right to appeal this response. An appeal must be received within 30 calendar days of the date of this letter. Since you have created an account in FOIAonline, you may submit an appeal directly within the web-based system. To do this, you would log in to your account, retrieve your original request, and then click on the "Create Appeal" tab in the left-hand column. The basic information from your request will be duplicated for you, and you can type in the basis of your appeal. If you prefer to use regular mail, you may submit an appeal to The Department of the Navy, Office of the General Counsel (ATTN: FOIA APPEALS), 1000 Navy Pentagon, Room 5A532, Washington, DC 20350-1000. Your appeal, if any, must be postmarked within 90 calendar days from the date of this letter and should include a copy of your initial request, a copy of this letter, and a statement indicating why you believe your appeal should be granted. I recommend that your appeal and its envelope both bear the notation, "Freedom of Information Act Appeal."

Further questions regarding the action this office has taken may be directed to Abby Machalec, [abby.machalec@navy.mil](mailto:abby.machalec@navy.mil). Please refer to your FOIA case number DON-NAVY-2017-005569 whenever corresponding about this request.

Sincerely,

P. A. POLLOCK  
Chief Management Officer

Copy to:  
COMNAVFACENGCOM (IG)

**DOD/Navy Hotline Investigative Report**  
NIGHTS Case No. 201601280  
28 October 2016

**1. Administrative Information**

a. **Investigator(s) and Identifying Information:** (b) (6), MLC1-7, Command Inspector General, Naval Facilities Engineering Command (NAVFAC) Far East, PSC 473 BOX 13 FPO AP 96349-0013, (315)-243-5090, e-mail: (b) (6)

b. **Location of working papers.** Navy Inspector General Hotline Tracking System (NIGHTS) case file 201601280.

**2. Background and Summary**

a. **Hotline Control #s, Date of Receipt, and Origin of Complaint.** NIGHTS Case No. 201601280 – the Command Inspector General received a confidential hotline complaint on 29 April 2016.

b. **Summary of Complaint.** The complainant alleged that Public Works Department (PWD) Yokosuka employee, (b) (6) Construction Representative, Facilities Engineering and Acquisition Division (FEAD), Code PRY232, misused an official U.S. Government-Owned Vehicle (GOV) during work hours for personal purposes on a frequent basis. Additionally, (b) (6) Engineering Technician, Requirement Branch, Planning & Estimating Division, Code PRY111, on numerous occasions, left his workplace for personal purposes during official work hours.

**c. Additional Information.**

(1) A preliminary inquiry was conducted by NAVFAC Far East IG in May, to collect GOV usage information from Transportation Department. On 24 June 2016, Naval Inspector General (NAVINSGEN) granted approval for full investigation to be conducted into the allegations.

(2) During employees' interview, another allegation that (b) (6) had misused an official government cellphone was brought to the attention of the investigator. The allegation was added to the original investigation.

(3) The term "MLC", which stands for Master Labor Contract, represents the indirect hiring of Japanese national employees, and is used throughout the investigation report and interview statements. MLC employees are hired by the Japanese Government under the Master Labor Contract to support the U.S. Armed Forces Japan.

(4) An interview with (b) (6) the former Facility Support Contract Manager, was conducted on 7 July 2016. (b) (6) transferred from the command and departed Japan on 8 July 2016 before he could review and sign his statement; however, he signed a Privacy Act statement and a Truthful Testimony document before starting the interview. No forwarding contact information was provided by him to the investigator.

(5) (b) (6) the former FEAD Officer, left Yokosuka in June 2015. The investigator attempted to contact him; however, she was unsuccessful because the e-mail address for him was deactivated.

**3. List of Allegations.** Upon review of available information, I have established the following allegations:

(1) That (b) (6) misused an official U.S. Government-Owned Vehicle (GOV) during work hours for personal purposes, in violation of DOD 4500.36R Management, Acquisition, and Use of Motor Vehicles; and MLC, Chapter 8 – Conduct of Employees Section B: Rules of Conduct and Appendix X, 5. Misuse of Government Equipment.

(2) That (b) (6) on numerous occasions, misused his official time by leaving his office to conduct personal business during work hours, in violation of 5 C.F.R. 2635.705(a), Use of an employee's own time; and MLC, Chapter 8 – Conduct of Employees Section B: Rules of Conduct and Appendix X, 3. Tardiness or Leaving the Workplace Early.

(3) That (b) (6) misused an official government cellphone, in violation of 5 C.F.R. 2635.704, Use of Government Property; and Master Labor Contract, Chapter 8 - Conduct of Employees Section B: Rules of Conduct and Appendix X, 5. Misuse of Government Equipment.

(4) That (b) (6) on numerous occasions, misused his official time by leaving his office to conduct personal business during work hours, in violation of 5 C.F.R. 2635.705(a), Use of Official Time; and Master Labor Contract, Chapter 8 - Conduct of Employees Section B: Rules of Conduct and Appendix X, 3. Tardiness or Leaving the Workplace Early.

**4. First Allegation.** (b) (6) misused a GOV for personal purposes, in violation of DOD 4500.36R Management, Acquisition, and Use of Motor Vehicles and MLC, Chapter 8 – Conduct of Employees Section B: Rules of Conduct and Appendix X, 5. Misuse of Government Equipment. **Substantiated.**

**a. Facts**

(1) DOD 4500.36R Management, Acquisition, and Use of Motor Vehicles C2.5 Official Use of Vehicles states that the use of all DoD motor vehicles, including those leased with DoD funds, or from other Government Agencies or commercial sources shall be restricted to official purposes only.

(2) Master Labor Contract, Chapter 8 – Conduct of Employees states that employees are required to perform their assigned duties and discharge their delegated responsibilities conscientiously, to conduct themselves in a manner both on and off the job which will reflect credit on themselves. MLC Section B: Rules of Conduct, paragraph 12, Government Property, states that employees are expected to provide maximum protection to property issued for use in the performance of their duties and the use of such property is for officially authorized purposes only. This paragraph explicitly provides that the unauthorized use of government property is prohibited. MLC Appendix X, 5. Misuse of Government Equipment, states, in part, that use of government equipment improperly as outlined in manufacture's specifications, manufacture's instructions, headquarters or local orders or instructions is penalized by:

- (a) First offense: Official reprimand to Suspension
- (b) Second offense: Fine to Suspension
- (c) Third offense: Suspension to Removal

(3) PRY232, Performance Assessment Division has five (5) GOVs authorized for official use. A new log system was started in June 2016 which requires GOV users to document vehicle mileage, vehicle destination, the last 3 digits of GOV license plate and the expected return time. Prior to June 2016, employees checked out GOVs using a white board in the office.

(4) (b) (6) Supervisory Quality Control Representative, stated that mandatory monthly mileage reports on GOVs are submitted to the Transportation Department; four (4) by him and one (1) by (b) (6) Quality Control Representative.

(5) (b) (6) indicated that when he reviewed the monthly report for GOV number N9483885, a vehicle used by (b) (6) he noticed it had a much higher mileage than other vehicles.

(6) (b) (6) Quality Control Representative, stated that on or about 21 December 2015, he saw (b) (6) at an off-base bank (note for the record: (b) (6) took five (5) hours leave that day). (b) (6) said that he noticed a GOV parked on the road in front of the bank and witnessed (b) (6) drive off in it after leaving the bank.

(7) (b) (6) and (b) (6) Construction Representative, stated that (b) (6) often leaves the office in the morning, without notice, using a GOV and doesn't usually come back until 1630.

(8) (b) (6) Facility Management Facility Sustainment Branch Head, GS-12, has been in this position since August 2015. (b) (6) stated that he hasn't received any report of misuse of GOV in PRY232.

(9) (b) (6) Supervisory Engineering Technician, PRY111, stated that he recorded the dates (b) (6) departed the work place using a GOV. He also stated that his subordinate, (b) (6) Engineering Technician, accompanied (b) (6) on several occasions. (b) (6) submitted a memo to the investigator with the following dates and times he witnessed (b) (6) and (b) (6) leaving together:

9 March 2016 from 1530 to 1600  
10 March 2016 from 1000 to 1030  
11 March 2016 from 1530 to 1600  
12 April 2016 from 1500 to 1530  
14 April 2016 from 1500 to 1531  
21 April 2016 from 1500 to 1527  
26 April 2016 from 1000 to 1030

(10) (b) (6) is assigned to the Alternative Work Schedule (AWS). His work hours alternate every eight (8) days from 0700 to 1700 with one (1) hour lunch break and one (1) day from 0700 to 1545 with 45 minutes lunch break every other week. (b) (6) Regular Day Off is every other Monday.

(11) (b) (6) stated that he has been working as a Construction Representative for 27 years. (b) (6) stated that he drives a GOV every day. He explained that one of his responsibilities is make a frequent visit to worksites.

(12) (b) (6) stated that he helped his mother move to a new resident using a GOV, approximately two (2) km from Yokosuka base, during his official work hours in April 2016. He said that he knew what he was doing was not authorized.

(13) (b) (6) said that he and (b) (6) at Code PRY111 are good friends and they frequently take a break together around 1000 for approximately 10 to 15 minutes. (b) (6) also said that he drives a GOV from Bldg. 4364 to Bldg. A-20, the Japan Maritime Self-Defense Force, which is approximately 1km away, to use a vending machine.

(14) (b) (6) noted that he used a GOV to go to an off-base bank during work hours for personal business in October 2015 and April 2016.

(15) The below table shows PRY232 GOV monthly mileage (km) submitted to the investigator.

Main POC	Jan-16	Feb-16	Mar-16	Apr-16	May-16	Jun-16
(b) (6) (truck, N9480550)	597	1280	1104	1435	960	545
(b) (6) (van, G410079J)	120	120	130	350	150	172
(b) (6) (minivan, N9479793)	45	46	47	43	48	43
(b) (6) (minivan, N9479794)	130	239	198	214	237	207
(b) (6) (minivan, N9483885)	655	439	531	892	410	502

- Main military facilities outside Yokosuka which PWD Yokosuka has contracts are Ikego, North Dock, Tsurumi Fuel Terminal, New Sanno, Camp Fuji and the distance from Yokosuka is 10.4km, 21.3km, 35.4km, 57.3km, 112.4km, respectively.

- (b) (6) transferred to Yokosuka in December 2015 due to the Naval Housing Annex Negishi's closure. He has been continuously in charge of all his contracts related to New Sanno, North Dock, etc. which require him to drive a long distance on a daily basis.

- The employees noted that it should not take an entire day to check their worksites. Although (b) (6) said that most of his contracts are on base contracts, his monthly driving distance is high compared to other GOVs in PRY232.

#### b. Analysis/Discussion/Conclusion.

(1) In DOD 4500.36R Management, Acquisition, and Use of Motor Vehicles, the use of a government vehicle should be restricted to official purposes only. As described above, (b) (6) violated this regulation by driving a GOV for personal purposes. (b) (6)

(2) The witness statements indicate that (b) (6) personal use of a GOV has been observed over a period of approximately 10 years.

(3) MLC, Chapter 8, Conduct of Employees, states in its Section B, paragraph 12 that MLC employees are required to use the government property for official purposes only and improper use can result in disciplinary action. (b) (6) use of a GOV for personal reasons violated the MLC.

(4) The allegation of (b) (6) misuse of GOV was corroborated by his own admission as well as witness statements. Based on this evidence, the allegation that (b) (6) improperly used a GOV for personal purpose is substantiated.

**c. Recommendations.**

(1) Take appropriate administrative action to hold (b) (6) accountable for his misuse of a GOV.

(2) Provide the employees assigned to PRY232 training on the proper use of GOVs.

**d. Disposition.** Forwarded to higher authority for appropriate administrative and/or corrective action.

**5. Second Allegation.** (b) (6) on numerous occasions, misused his official time by leaving his office to conduct personal business during work hours, in violation of 5 C.F.R. 2635.705(a), Use of Official Time; and MLC, Chapter 8 Section B: Rules of Conduct and Appendix X, 3. Tardiness or Leaving the Workplace Early. **Substantiated.**

**a. Facts**

(1) 5 C.F.R. 2635.705(a) – Use of official time states that an employee shall use official time in an honest effort to perform official duties.

(2) Master Labor Contract, Chapter 8 – Conduct of Employees, paragraph 2 provides guidance regarding "Basic Principles" by providing that employees are required to perform their assigned duties and discharge their delegated responsibilities conscientiously and to conduct themselves in a manner both on and off the job which will reflect credit on the Governments of the US and Japan. MLC Chapter 8 Section B: Rules of Conduct paragraph 7 states that employees are required to obtain approval of any absence from duty. Any absence which is not approved or excused will be charged as absence without leave on the time and attendance report. MLC Appendix X, 3. Tardiness or Leaving the Workplace Early, states, in part, an unauthorized absence of less than one regularly scheduled work shift can be penalized by:

- (a) First offense: Official reprimand
- (b) Second offense: Official reprimand to Fine
- (c) Third offense: Fine to Suspension

(3) Refer to paragraph 4. a. (5) through (15) above,

**b. Analysis/Discussion/Conclusion.**

(1) (b) (6) didn't use his official time in accordance with 5 C.F.R. 2635.705(a). He conducted his personal business during work hours without proper leave authorization requests.

(2) MLC, Chapter 8, Conduct of Employees, states in its Section B, paragraph 7 that MLC employees are required to obtain approval of any absence from duty. (emphasis added) (b) (6) admitted to conducting personal business on official time without approval to be absent from his official duties. His actions violated the MLC.

(3) The allegation that (b) (6) misused his official time and absented himself from duty without authorization was corroborated by his own admissions as well as witness statements. Based on this evidence, the allegation that (b) (6) misused his official time and absent without authorization is **substantiated**.

**c. Recommendations.**

(1) Take appropriate administrative action to hold (b) (6) accountable for his misuse of official time and unauthorized absences.

(2) Provide the employees assigned to PRY232 training on time and attendance procedures.

**d. Disposition.** Forward to higher authority for appropriate administrative and/or corrective action.

**6. Third Allegation.** (b) (6) misused an official government cellphone, in violation of 5 C.F.R. 2635.704, Use of Government Property; and MLC, Chapter 8 - Conduct of Employees Section B: Rules of Conduct and Appendix X, 5. Misuse of Government Equipment. **Substantiated.**

**a. Facts**

(1) 5 C.F.R. 2635.704 – Use of Government Property states that employees have a duty to protect and conserve government property and refrain from using or allowing its use for purposes other than which is made available to the public or those authorized in accordance with law or regulation.

(2) Master Labor Contract, Chapter 8 – Conduct of Employees states that employees are required to perform their assigned duties and discharge their delegated responsibilities conscientiously, to conduct themselves in a manner both on and off the job which will reflect credit on themselves. Section B, Rules of Conduct, paragraph 12, Government Property, states that employees are expected to provide maximum protection to property issued for use in the performance of their duties and the use of such property is for officially authorized purposes only. MLC Appendix X, 5, Misuse of Government Equipment, mandates that improper use of government equipment as outlined in manufacturer's specifications, manufacturer's instructions, headquarters or local orders or instructions is penalized by:

- (a) First offense: Official reprimand to Suspension
- (b) Second offense: Fine to Suspension
- (c) Third offense: Suspension to Removal

(3) All PRY232 employees are authorized to use an official government cellphone.

(4) (b) (6) IT Specialist, Command Information Office, receives monthly telephone bills from Base Communication Service Yokosuka for NAVFAC Far East and PWD Yokosuka.

(5) (b) (6) stated that he sent the PRY2 monthly telephone bill to (b) (6) Administrative Specialist, from January to October 2015.

(6) (b) (6) stated that she worked at PRY2 from July 2010 to November 2015. She indicated that she was advised by FEAD Officer to verify all PRY2 government cellphones' outgoing call records and highlight numbers which were called at unusual times (e.g., night, weekends, holidays).

(7) (b) (6) Assistant Operations Officer (AOPS), stated that he worked as Facility Support Contract (FSC) Manager from June or July 2014 to November 2015. (b) (6) provided the following information:

(a) (b) (6) FEAD Officer, and (b) (6) review the monthly phone bills. (b) (6) stated that (b) (6) requested that he review (b) (6) cellphone bill because it was higher than other MLC employees' phone bills.

(b) In an attempt to review (b) (6) cellphone usage, (b) (6) requested (b) (6) to sort all phone calls into official and non-official groups. (b) (6)

(c) (b) (6) told (b) (6) that he lost his personal cellphone and used his government cellphone to make personal calls.

(d) (b) (6) informed (b) (6) that he had to pay for all non-official calls made using the government cellphone. (b) (6) directed (b) (6) to contact Financial Management (FM) or (b) (6) about the payment procedure.

(e) (b) (6) said that he didn't receive money for payment of the bill from (b) (6) although (b) (6) told the investigator that he gave (b) (6) approximately 6,000 yen for the payment.

(8) (b) (6) stated that (b) (6) informed him that (b) (6) cellphone bill is very high and that all calls should be verified. (b) (6) stated when he talked to (b) (6) about the cellphone bill, (b) (6) stated that all cellphone calls he made were personal.

(9) (b) (6) replaced (b) (6) as Administrative Specialist in April 2015 and worked for two (2) FEAD Officers, (b) (6) from April to May 2015 and LCDR Paul Weyant from June to July 2015. She transferred to another position in August 2015.

(10) The investigator obtained (b) (6) e-mail correspondence. On 21 April 2015, (b) (6) per (b) (6) request, contacted (b) (6) Supervisory Accountant, regarding the process for non-official call payment. She was advised that the payment can be made only by US dollar at the FM office. (b) (6) then asked (b) (6) to collect payment from (b) (6) so she could bring it to the FM office.

(11) (b) (6) stated that she didn't collect money from (b) (6) or exchange his money from Japanese yen to US dollar for his payment.

(12) (b) (6) admitted making personal calls using his government issued cellphone because he cancelled his personal cellphone. He stated that (b) (6) advised him to pay for his personal calls.



(13) (b) (6) stated that he paid approximately 6,000 yen to (b) (6) for the phone bill. As indicated in paragraph 8(e) above, (b) (6) advised that he did not receive payment from (b) (6).

(14) (b) (6) stated that he received a warning once before from (b) (6) the former FSC Manager, for making personal calls using his government issued cellphone.

(15) (b) (6) the former Accounting Technician at Accounts Receivable, interpreted the payment procedure as follows; 1) the customer pays the bill at the FM office with US dollar, 2) FM issues a receipt, 3) FM deposits the money to the US Treasury account at the Community Bank, and 4) FM creates a collection voucher (DD 1131) and sends it to Defense Finance Accounting Service, Japan.

(16) (b) (6) provided copies of a transaction to the investigator. The related documents indicate that a bill for non-official calls from PRY2 was issued in the amount of \$61.51. Such bill was paid on 28 April 2015 as reflected on a receipt was issued by (b) (6) to PRY2. Out of the \$61.51 bill, (b) (6) charge was \$59.04. (b) (6) payment of \$59.04 matches with the record of February 2015.

(17) The annual record of the government cellphone (080-5001-3413) assigned to (b) (6) in 2015 is showed below:

2015	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
JPY	7,990	6,150	8,235	4,285	4,545	4,528	3,811	2,645	655	655	655	655
USD	\$76.83	\$59.04	\$79.02	\$41.16	\$37.65	\$37.34	\$31.44	\$20.77	\$5.3	\$6.75	\$6.75	\$6.75

(18) The investigator verified all records/calls for the government issued cellphone assigned to (b) (6). In 2015, (b) (6) government issued cellphone was used 1,352 times. The usage reflects 1,034 (78.48%) inappropriate, personal calls. Specifically, 374 phone calls were made between 1800 and 0700 and/or on weekends/holidays/leave/AWS dates and 660 personal text messages. The total cost of (b) (6) misuse is 40,681 yen (approximately \$373.63).

#### **b. Analysis/Discussion/Conclusion.**

(1) 5 C.F.R. 2635.704, Use of Government Property, states that employees have a duty to protect government property and shall not use such property or allow its use for other than authorized purposes. (b) (6) had been using his assigned government cellphone for personal use. His conduct violates this regulation.

(2) MLC, Chapter 8, Conduct of Employees, Section B, paragraph 12 states that MLC employees are required to use the government property for official purposes only and improper use can result in disciplinary action. (b) (6) use of the government cellphone for personal purposes violated the MLC.

(3) FM confirmed a payment in the amount of \$61.51 was made by (b) (6) on 28 April 2015 for unofficial calls.

(4) The allegation that (b) (6) misused his government issued cell phone is corroborated by (b) (6) admission and witness statements. Based on foregoing, the allegation that (b) (6) misused the government cell phone is **substantiated**.

**c. Recommendations.**

(1) Take appropriate administrative action to hold (b) (6) accountable for misuse of the Government cell phone.

(2) Supervisors in the chain of command should confirm their subordinates' government issued cellphones' monthly bill and conduct periodic briefings on how to use government-provided supplies so as to prevent misuse.

**d. Disposition.** Forward to higher authority for appropriate administrative or corrective action.

**7. Fourth Allegation.** (b) (6) on numerous occasions, misused his official time by leaving his office to conduct personal business during work hours, in violation of 5 C.F.R. 2635.705(a), 'Use of Official Time'; and MLC Chapter 8 Section B: Rules of Conduct and Appendix X, 4. Tardiness or Leaving the Workplace Early. **Substantiated.**

**a. Facts**

(1) 5 C.F.R. 2635.705(a) – Use of Official Time states that an employee shall use official time in an honest effort to perform official duties.

(2) Master Labor Contract, Chapter 8 – Conduct of Employees, paragraph 2 provides guidance regarding "Basic Principles" by providing that employees are required to perform their assigned duties and discharge their delegated responsibilities conscientiously, to conduct themselves in a manner both on and off the job which will reflect credit on the Governments of the US and Japan. MLC Chapter 8 Section B: Rules of Conduct paragraph 7 states that employees are required to obtain approval of any absence from duty. Any absence which is not approved or excused will be charged as absence without leave on the time and attendance report. MLC Appendix X, 3. Tardiness or Leaving the Workplace Early states, in part, unauthorized absence of less than one regularly scheduled work shift can be penalized by:

- (a) First offense: Official reprimand
- (b) Second offense: Official reprimand to Suspension
- (c) Third Offense: Fine to Suspension

(3) (b) (6) Engineering Technician, works at Planning & Estimating Division (Code PRY111) Mechanic Division, Requirement Branch, Public Works Department (PWD) Yokosuka. PRY111 is located on the 3<sup>rd</sup> floor of bldg. 4302.

(4) (b) (6) Supervisory Engineering Technician, stated that he saw (b) (6) and (b) (6) leave their work place together in a GOV during their official work (b) (6) hours on a frequent basis (see paragraph 4, a, (9)). He also stated that (b) (6) and (b) (6) had no collaborative work scheduled. (b) (6)

(5) (b) (6) stated that (b) (6) takes half hour breaks during the day. He added he instructed his subordinates to limit their break times no more than 15 minutes per break.

(6) (b) (6) stated that he reported (b) (6) absence during work hours to his supervisor, (b) (6) PRY111 Section Head, and asked his advice how this problem should be handled.

(7) In regard to (b) (6) break, the following information was provided:

(a) (b) (6) Engineering Technician, stated that he sees (b) (6) frequently leave the office at 1000 or/and 1500 and not return to work for approximately 30 to 60 minutes. He submitted a memo which indicates that he witnessed (b) (6) depart and remain out of the office during the following times between 20 and 27 June 2016 to the investigator:

20 June 2016 from 1000 to 1030  
22 June 2016 from 1000 to 1036  
23 June 2016 from 1500 to 1536  
24 June 2016 from 1000 to 1032

(b) (6) stated he reported (b) (6) frequent absences during work hours to his supervisors, (b) (6) and (b) (6). He also stated that he witnessed (b) (6) advise (b) (6) to limit his break time to 15 minutes on many occasions.

(b) (6) Engineering Technician, (b) (6) coworker, stated that he sees (b) (6) take long breaks around 1000-1030 or 1500-1530.

(c) (b) (6) Supervisory Engineering Technician at PRY111 Electricity Division, stated that he hears (b) (6) says "I will take a break now" to (b) (6) twice a day, at 1000 and 1500. (b) (6) stated that he has seen (b) (6) leave with (b) (6) twice, but cannot recollect the date. (b) (6) said that he heard (b) (6) say "It's none of your business" when (b) (6) asked him what he was doing during break time.

(8) (b) (6) stated that (b) (6) reported the following to him: 1) (b) (6) starts taking a break at 1000 and 1500, claiming it is his right, and 2) he goes out with (b) (6).

(9) (b) (6) stated that he doesn't want to confront (b) (6) because he is afraid of him (Kawashima) and he is extremely argumentative. (b) (6) said that he hasn't reported (b) (6) to his supervisor, Mr. Mark Wentink, Requirements Branch Head. He stated that he plans to inform Mr. Wentink by e-mail and expects him to take an appropriate action against (b) (6) for his long breaks.

(10) Mr. Wentink stated that he has never been notified by (b) (6) regarding (b) (6) absences during work hours. (b) (6)

(11) (b) (6) stated that he and (b) (6) take breaks together. He also stated that he meets (b) (6) at the parking spot next to the bldg. 4364. He added that

they sometimes take breaks twice a day, once at 1000 and again at 1500 (see paragraph 4, a, (13)).

(12) (b) (6) stated that he was ordered by his senior friend, (b) (6) to get into the GOV with him to get a drink from the vending machine located near bldg. A-20. He added that he didn't know taking a GOV to purchase a drink was wrong. He stated that it is common practice for employees to use a GOV to travel to the vending machine at A-20.

(13) (b) (6) believed that he was authorized to take breaks at 1000 and 1500 on a daily basis.

(14) (b) (6) stated that he informs (b) (6) his supervisor, before he leaves for breaks. He added that he usually takes 15 minutes per break, but sometimes discusses work assignments with other employees which will increase the break time to 30 minutes. (b) (6) said that he was warned by (b) (6) about his long breaks only once and corrected his behavior after the warning.

(15) (b) (6) complained that (b) (6) says nothing to other employees who take frequent short smoking breaks during the day. He argued that the total duration of smoking breaks by other employees is longer than his break time.

(16) The investigator contacted (b) (6) Employees Relations Specialist, in Human Resources Office (HRO). (b) (6) confirmed that all MLC employees who work eight (8) hours a day are authorized to take a 45-minute lunch break and no other break time is regulated in the current MLC regulation. He also advised that it would be acknowledged if the break time is short, used for enhancing the employee's productivity and within the bounds of common sense. (b) (6) also said that the frequency and duration of break time is up to the division supervisor's discretion and the work relationship between employees and their supervisors.

**b. Analysis/Discussion/Conclusion.**

(1) (b) (6) has a record of not using his official time in accordance with 5 C.F.R. 2635.705(a). Specifically, (b) (6) takes breaks at 1000 and/or 1500 on a daily basis and he leaves with (b) (6) in a GOV. Several witnesses testified that (b) (6) takes approximately a half hour per break.

(2) Although there is no official rule established, the MLC states that any absence that is not approved or excused should be charged as absence without leave.

(3) Based on the above, the allegation that (b) (6) misused his official time by leaving his workplace during work hours on multiple occasions is substantiated.

(4) Although substantiated, two (2) supervisors' lack of supervising skill should be questioned. (b) (6) is obsessively monitoring (b) (6) break time, while he says nothing to other employees about their frequent smoke breaks. (b) (6) neglects his duty as a division head. He failed to advise (b) (6) or report (b) (6) unauthorized absences to Mr. Wentink, his supervisor. This issue should have been handled by the supervisors rather than filed as an isolated wrongdoing.

**c. Recommendation.**

(1) Take appropriate administrative action to hold (b) (6) accountable for his misuse of official time and unauthorized absences.

(2) MLC supervisors should receive training on time and attendance.

**d. Disposition.** Forward to higher authority for appropriate administrative or corrective action.

**8. Interviews and Documents**

**a. Interviews conducted.** All interviews conducted in person unless otherwise noted.

(1) (b) (6) (subject), Construction Representative, PRY232, PWD Yokosuka, MLC 1-5

(2) (b) (6) (witness), Quality Control Representative, PRY232, PWD Yokosuka, MLC 1-6

(3) (b) (6) (witness), Quality Control Representative, PRY232, PWD Yokosuka, MLC 1-6

(4) (b) (6) (witness), Quality Control Representative, PRY232, PWD Yokosuka, MLC 1-6

(5) (b) (6) (witness), Supervisory Quality Control Specialist, PRY232, PWD Yokosuka, MLC 1-7

(6) (b) (6) (witness), Construction Representative, PRY232, PWD Yokosuka, MLC 1-5

(7) (b) (6) (witness), Quality Control Representative, PRY232, PWD Yokosuka, MLC 1-6

(8) (b) (6) (witness), Quality Control Representative, PRY232, PWD Yokosuka, MLC 1-6

(9) (b) (6) (witness), Facility Management Facility Sustainment Branch Head, PRY23, GS-12

(10) (b) (6) (witness), Assistant Operations Officer, NAVFAC Far East

(11) (b) (6) (witness), the former Administrative Specialist at FEAD, PRY2, currently works as Management Analyst, BD2, NAVFAC Far East

(12) (b) (6) (witness), the former Administrative Specialist at FEAD, PRY2, currently works as Engineering Technician, PRY211, PWD Yokosuka

(13) (b) (6) (witness), Engineering Technician, Planning & Estimation Division, PRY111, PWD Yokosuka, MLC 1-6

(14) (b) (6) (witness), Engineering Technician, Planning & Estimation Division, PRY111, PWD Yokosuka, MLC 1-6

(15) (b) (6) (witness), Supervisory Engineering Technician, Planning & Estimation Division, PRY111, PWD Yokosuka, MLC 1-8

(16) (b) (6) (witness), Supervisory Engineering Technician, Planning & Estimation Division, PRY111, PWD Yokosuka, MLC 1-7

(17) (b) (6) (witness), Requirement Branch Head, PRY11, PWD Yokosuka, GS-13

(18) (b) (6) (subject), Engineering Technician, Planning & Estimation Division, PRY111, PWD Yokosuka, MLC 1-6

(19) (b) (6) Employees Relations Specialist, Human Resources Office Yokosuka, MLC 1-7 assigned to Commander Naval Region Japan (interviewed by phone).

(20) (b) (6) the former Accounting Technician at Financial Management in NAVFAC Far East, currently works as Engineering Technician, PRY32, PWD Yokosuka, MLC 1-5 (via e-mail)

(21) (b) (6) IT Specialist, Command Information Office, CIOR, NAVFAC Far East, MLC 1-7 (interviewed by phone)

**b. Documents reviewed.**

- (1) NAVFAC Far East Hotline Complaint Form submitted of 29 April 2016.
- (2) (b) (6) Personnel Action Record
- (3) PRY232 Facility Management Facility Sustainment Branch Organization Chart
- (4) PRY232 GOV mileage record
- (5) (b) (6) government cellphone bill
- (6) E-mail correspondence between (b) (6) and (b) (6)
- (7) (b) (6) payment record for personal calls, transacted by Financial Management
- (8) (b) (6) Personnel Action Record
- (9) PRY111 Planning & Estimation Division Organization Chart
- (10) DOD 4500.36 Management, Acquisition, and Use of Motor Vehicles

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- (11) Master Labor Contract Chapter 8, Conduct of Employees
- (12) Master Labor Contract Chapter 8 Appendix X, 4, Failure in Duty
- (13) Master Labor Contract Chapter 8 Appendix X, 5, Misuse of Government Equipment
- (14) Joint Ethics Regulation (JER) § 2635.704 Misuse of Government Property
- (15) Joint Ethics Regulation (JER) § 2635.705 Use of Official Time
- (16) COMFLEACTINST 5800.2G, Vehicle Codes for Fleet Activities Yokosuka

Navy Hotline Complaint 201500640  
Report of Investigation  
1 December 2015

**1. Investigator(s) and identifying Information and Location of Working Papers**

**a. Investigator(s) and Identifying Information**

(b) (6) NAVFAC EURAFSWA, Command Inspector General; Naval Facilities Engineering Command (NAVFAC) EURAFSWA, 011-39-081-568-5230, DSN 314-625-5230, (b) (6)

**b. Location of working papers.**

Naval Inspector General Hotline Tracking System (NIGHTS) 201500640.

**2. Background and Summary**

**a. Hotline Control #s, Dates of Receipt, and Tasking Dates**

(1) On or around November 2014, (b) (6), Naval Facilities Command Europe, Africa Southwest Asia's (NAVFAC EURAFSWA) Commanding Officer received an anonymous letter with complaints against Naval Support Activity (NSA) Bahrain's Public Works Department (PWD) Environmental Department. The complaints included possible contract irregularities and extended tour lengths and personal misconduct of an un-named employee.

(2) On or around November 2015, (b) (6), Deputy Commander, Navy Region EURAFSWA, Deputy Commander, CTF Shore Battle Space, received an anonymous letter. The letter complained of possible mismanagement of an oil spill at the ISA Bahrain Air Force base.

(3) On or around November 2014 Naval Criminal Investigative Service (NCIS) was forwarded the complaint of possible contract fraud and the mismanagement complaint of the oil spill at ISA Air Force base.

(4) On or around November 2014, the complaint of employee tour lengths and personal misconduct was forwarded to the Public Works Officer.

(5) On or around December 2014, It was determined that the un-named employee was (b) (6) (b) (6) has been stationed at NSA Bahrain since 1997.

(6) On 25 February 2015, (b) (6) NAVFAC EURAFSWA's Command Inspector General, conducted a focus group<sup>1</sup> with the Local National workers from Bahrain's Public Works Department. Focus group members complained the environmental supervisor has his staff perform personal services, which include the painting of his house, delivering his family's mail to his residence, repair personnel electronics etc. He routinely threatens to terminate their employment and prevents them from attending command functions<sup>2</sup>. He fails to recognize sick leave or physician's notes. One member also mentioned possible financial mismanagement by the environmental supervisor.

(7) On 25 February 2015, NAVFAC EURAFSWA Command Inspector General placed the complaint in the NIGHTS Hotline. Hotline complaint number 201500640 was assigned as the case number.

<sup>1</sup> Focus groups are held during Command Evaluations to determine and identify quality of work life and moral issues.

<sup>2</sup> The function included all hands events with the Public Works Officer.



- (8) On 6 March 2015, Naval Inspector General Hotline Tracking System (NIGHTS) assigned (b) (6) as the Case Manager for Case Number 201500640.
- (9) On 10 March 2015, (b) (6) requested to Investigate Case Number 201500640.
- (10) (b) (6) of NF Atlantic requested to Investigate Case Number 201500640.
- (11) 12 March 2015, (b) (6), Naval Inspector General's (NAVINGEN) case manager, authorized the request to conduct a full investigation.
- (12) 24 March 2015, (b) (6) was issued his subject notification for violations of using his staff to perform personal services and improper approving of sick leave.
- (13) 25 and 26 March 2015, (b) (6) conducted witness interviews.
- (14) 26 March 2015, (b) (6) conducted a subject interview with (b) (6).
- (15) 13 May 2015, (b) (6) conducted clarifying written witness interviews.
- (16) 9 June 2015, (b) (6) reissued subject notifications to (b) (6) that included two new allegations. The additional violations are improper use of a government vehicle and travel voucher fraud.
- (17) 9 June 2015, (b) (6) presented (b) (6) a letter from (b) (6) Naval Facilities Command Europe Africa Southwest Asia, Environmental Business Line Coordinator directing him to participate in the investigation into the allegations against him.
- (18) 9 June 2015, (b) (6) issued (b) (6) Kalkines rights granting him use immunity into the administrative allegations against him. He was also notified his failure to participate could result in administrative actions against him including termination.
- (19) 9 June 2015, (b) (6) conducted a follow-up interview with (b) (6) refused to participate in answering any questions that pertained to travel voucher fraud.
- (20) 23 June 2015, (b) (6) reissued subject notifications to (b) (6) that included one new allegation. The additional allegation is he failed to participate in the investigation as directed by his letter from (b) (6) SECNAVINST 5430.57G and his Kalkines rights.

**b. Summary of Complaint.** (b) (6) used his staff to perform personal services and (b) (6) failed to approve sick leave. The allegations stemmed from comments made from participants during a yearly routine command evaluation focus group with the local national workforce. Review of the facts determined the case warranted an investigation.

**c. Summary of the outcome of investigation.** A review of the complaint determined the allegations were appropriate for investigation. The investigation determined that all five allegations are substantiated.

**e. List of allegations.**

(1) That (b) (6) Supervisory Environmental Program Manager Public Works Department NSA Bahrain, Directed his staff perform personal services in violation of the Joint Ethics Regulation (JER) and Subpart G 5 CFR Part 2635.702 and Central Command Regulation 690-3 (CCR 690-3) 8 January 2015 10-7. Waste or embezzlement of assets and misuse of labor.

(2) That (b) (6) Supervisory Environmental Program Manager Public Works Department NSA Bahrain, did abuse his authority by not approving annual and sick leave of his staff personnel in violation of Central Command Regulation 690-3 (CCR 690-3) 8 January 2015. ADMINISTRATION AND MANAGEMENT OF DEPARTMENT OF DEFENSE NON-U.S. CITIZEN EMPLOYEES - BAHRAIN Chapter 6 - SICK LEAVE.<sup>3</sup>

(3) That (b) (6) Supervisory Environmental Program Manager Public Works Department NSA Bahrain, did willfully uses or authorizes the use of a Government Vehicle, for other than an official purpose in violation of 41 CFR 109-38 Subpart 109-38.3—Official Use of Government Motor Vehicles and The Joint Ethics Regulation (JER) 5 CFR 2635.704 (Subpart G.).

(4) That (b) (6) Supervisory Environmental Program Manager Public Works Department NSA Bahrain, did submit fraudulent travel voucher claims in violation of the Defense Travel System instruction, US Code, Title 18 Section 287, US Code, Title 18 Section 1001 and Title 31, section 3729 from January 2014 to March 2015.

(5) That (b) (6) Supervisory Environmental Program Manager Public Works Department NSA Bahrain, failed to actively participate or answer all questions during his interview in violation of the Inspector General Act of 1978, as amended; (b) (6) letter directing (b) (6) participation; and (b) (6) Kalkines warning and assurance letter.

**3. First allegation.** That (b) (6) Supervisory Environmental Program Manager Public Works Department NSA Bahrain, misuse his position by directing his staff to perform personal services in violation of the Joint Ethics Regulation (JER), Subpart G, (5 CFR 2635.702). **Substantiated**.

**a. Facts**

(1) 25 and 26 March 2015, (b) (6) conducted witness interviews.

(2) 25 March 2015, during a witness interview, (b) (6) disclosed that (b) (6) had him move his personal items during (b) (6) personal move from his old residence to his new residence. Additionally, he was directed to take (b) (6) personal vehicle to get inspections and repairs. These tasking took place during Ajithkumar Nair's normal working hours.

(3) 25 March 2015, during a witness interview, (b) (6) disclosed that (b) (6) had him deliver his personal mail to his private residence<sup>4</sup>, drive him to the airport, retrieve items off base, take clothing to the tailor, make repairs to (b) (6) watches and pack cloths for shipment for (b) (6). These tasking took place during (b) (6) normal working hours.

(4) 25 March 2015, during a witness interview, (b) (6) disclosed that (b) (6) had her drive him to and from the airport, retrieves items off base to include an olive oil delivery from Lebanon and acquire a maid for his personal residence. These tasking took place during (b) (6) normal working hours. (b) (6) also stated that on 12 Nov 2012 she took (b) (6) daughter to the Ministry of education to get a certification. She delivered the certification to United Arab Emirates (UAE) embassy and gave

<sup>3</sup> Supersedes: CCR 690-3, 11 Sep 1989

<sup>4</sup> (b) (6) countered this claim. He states his mailed was delivered with professional correspondence that needed his review and signatures.

the certificate to (b) (6) when she picked (b) (6) up from the airport on 14 Nov 2012.

(5) 25 March 2015, during a witness interview, (b) (6) disclosed that (b) (6) had him drive him to the airport, moved his house hold item from one house to another, repair and installed lights in his private residence and make repairs to his private residence. These tasking took place during (b) (6) normal working hours<sup>5</sup>.

(6) 25 March 2015, during a witness interview, (b) (6) disclosed that (b) (6) had him take his daughter to the Ministry of Education and take his son to get a Central Population Registration (CPR)<sup>7</sup>. These tasking took place during (b) (6) normal working hours.

(7) 25 March 2015, during a witness interview, (b) (6) disclosed that (b) (6) had her deliver his personal mail to his private residence<sup>8</sup>, pick-up information from the Navy College office for his family, prepare his families passports and visas and acquire vehicle passes for his personal vehicles. These tasking took place during (b) (6) normal working hours.

(8) 25 March 2015, during a witness interview, (b) (6) disclosed that (b) (6) had him acquire a base pass for his personal car. This tasking took place during (b) (6) normal working hours.

(9) 25 March 2015, during a witness interview, (b) (6) disclosed that (b) (6) had him retrieve items off base. This tasking took place during (b) (6) normal working hours.

(10) 25 March 2015, during a witness interview, (b) (6) disclosed that (b) (6) had him move his personal items during (b) (6) personal move from his old residence to his new residence, take his personal vehicle to get inspections and repairs, delivering personal items to his residence, repair a bed in his residence and make repairs to his private residence. These tasking took place during (b) (6) normal working hours. (6)

(11) 26 March 2015, during a subject interview (b) (6) disclosed that his staff drives him to the airport approximately thirty (30) percent of the time he goes on travel. Additionally, he disclosed that his staff has performed the personal tasks described by the witnesses.<sup>9</sup>

#### **b. Analysis/Discussion/Conclusion**

(1) The Joint Ethics Regulation (JER) Subpart G, (5 CFR 2635.702) states you must not use your official position to induce or coerce another person to provide any benefit to your or anyone else whom you are affiliated.

(2) Central Command Regulation 690-3 (CCR 690-3) 8 January 2015 10-7. Waste or embezzlement of assets and misuse of labor state "Employees will not be directed to perform private errands, or any duties other than those related to their official duties."

(3) Eleven of the twelve employees under (b) (6) supervision have stated that he assigned them tasks to perform personal services. These tasks were performed during their normal working hours.

<sup>5</sup> On 21 May 2015 (b) (6) made a written statement claiming he didn't remember the dates of the services and that he wasn't forced to do any of the personal services.

<sup>6</sup> (b) (6) took (b) (6) daughter so she could get authorization to study in Dubai.

<sup>7</sup> Central Population Number (CPN) is a personal identity card for Bahrain

<sup>8</sup> (b) (6) countered this claim. He states his mailed was delivered with professional correspondence that needed his review and signatures.

<sup>9</sup> (b) (6) stated he never directed his staff to perform any of the tasks. The tasks were performed by the staff on their own free will.

(4) (b) (6) admitted to having some recollection of his staff performing some of the duties. However, he stated his staff performed the tasks as favors. He stated he never ordered his staff to perform any of these tasks.

(5) During interviews with the staff members they shared their disdain for (b) (6). It is unreasonable to think that his staff would perform personal services as a favor to (b) (6).

(6) Based upon the preponderance of the evidence, I concluded the allegation is substantiated.

**c. Recommendations.** Take appropriate administrative action to hold (b) (6) accountable.

**d. Disposition.** Forwarded to higher authority for appropriate administrative and/or corrective action.

**4. Second allegation.** That (b) (6) Supervisory Environmental Program Manager Public Works Department NSA Bahrain, did abuse his authority by not approving sick leave IAW Central Command Regulation 690-3 (CCR 690-3). **Substantiated.**

**a. Facts**

(1) 25 and 26 March 2015, (b) (6) conducted witness interviews. Many staff member complained of their treatment when asking for and getting sick leave approved.

(2) 25 March 2015, (b) (6) stated that while driving to work one morning he had a severe ear infection and was unable to continue to drive to work. He reported his condition to (b) (6) and informed him he needed to go to the hospital. (b) (6) replied that he had fifteen minutes to report to work. (b) (6) stated he was afraid that if he would be fired if he didn't comply with (b) (6) order. He also wrote that (b) (6) stated "employees will be at work unless you die".

(3) 25 March 2015, (b) (6) stated that in 2003 he had Chicken Pox and his Physician gave him two weeks sick leave. He reported to work after five days. On a follow-up interview via email he stated (b) (6) "Gets crazy when someone gets sick".

(4) 25 March 2015, (b) (6) stated that the staff must report to work before going home or seeking medical treatment. She stated that she reported to work sick and (b) (6) didn't grant her sick leave until 1200. She stated that when she arrived at the hospital she sat in her car because she didn't have the energy to go inside. The next day he questioned her on why she was at the hospital so long?

(5) 25 March 2015, (b) (6) stated she has acute sinusitis. During the seasonal weather changes she gets sick and coughs. She asked (b) (6) to go home sick and he replied "Go home forever." She stated every time she asks to go home sick his reply is "Go home forever".

(6) 25 March 2015, (b) (6) stated that he had a heart condition that required angioplasty surgery. (b) (6) wife called the office and spoke to (b) (6) his senior coworker. (b) (6) informed (b) (6) of (b) (6) condition. At that time (b) (6) yelled "tell (b) (6) if he's not fit to do the job, tell him to resign." (b) (6) stated that he was afraid if he didn't report back to work he would be terminated. (b) (6) was granted thirty (30) days rest but returned after two weeks.

(7) 13 May 2015, (b) (6) made a statement that (b) (6) "got furious when anyone called in sick and were afraid to call and request sick leave".

**b. Analysis/Discussion/Conclusion**

(1) The Central Command Regulation 690-3(CCR 690-3) 8 January 2015 states an employee who is absent from duty because of illness must notify his or her supervisor as soon as possible. Failure to do so may result in disciplinary action or termination of employment. Additionally, Central Command Regulation

690-3(CCR 690-3) 8 January 2015 states sick leave may be approved without a medical certificate subject to supervisory determination. The employee's sick leave record and on-the-job performance should be considered in determining whether or not a medical certificate is required<sup>10</sup>.

(2) (b) (6) the administrative assistant provided a copy of the sick leave totals of the environmental staff. The staff average sick leave is 1065 hours. Eleven of thirteen staff members have sick leave totals greater than 850 hours. Eight staff members have sick leave totals greater than 1000 hours.

(3) During interviews with the staff members they shared their belief that (b) (6) created an environment of hostility in relationship to approving sick leave. His staff would rather report to work sick than request sick leave through (b) (6).

(4) (b) (6) created an environment of fear that resulted in his staff members reporting to work sick and not taking the full amount of time to recuperate.

(5) Based upon the preponderance of the evidence, I concluded the allegation is substantiated.

c. **Recommendations.** Take appropriate administrative action to hold (b) (6) accountable.

d. **Disposition.** Forwarded to higher authority for appropriate administrative and/or corrective action.

5. **Third Allegation.** That (b) (6) Supervisory Environmental Program Manager Public Works Department NSA Bahrain, did willfully uses or authorizes the use of a Government Vehicle, for other than an official purpose in violation of 41 CFR 109-38 Subpart 109-38.3—Official Use of Government Motor Vehicles and The Joint Ethics Regulation (JER) Subpart G, (5 CFR 2635.704). **Substantiated.**

**a. Facts**

(1) On 25 February 2015, (b) (6) NAVFACURAFSWA's Command Inspector General, conducted a focus group with the Local National workers from Bahrain's Public Works Department. Focus group members complained the environmental supervisor has his staff perform personal services which include the painting of his house, delivering his family's mail to his residence, repair personnel electronics etc. These tasks often involved Government Vehicles<sup>12</sup>.

(2) 25 and 26 March 2015, (b) (6) conducted witness interviews.

(3) 25 and 26 March 2015, interviewees mentioned they used a government vehicle to complete some of the personal tasking's (b) (6) assigned them.

(4) 13 May 2015, (b) (6) gave a statement that he used a government vehicle to deliver mail to (b) (6) private residence. (b) (6)

(5) 13 May 2015, (b) (6) gave a statement that he used a government vehicle to perform some of the personal tasking's assigned by (b) (6).

(6) 20 May 2015, Matthew (b) (6) gave a statement that he used a government vehicle to perform some of the personal tasking's assigned by (b) (6).

<sup>10</sup> Public works department uses Central Command Regulation 690-3(CCR 690-3) as their guild for approving sick leave.

<sup>11</sup> (b) (6) stated that his staff can go on sick leave but must produce a doctor's note upon their return.

<sup>12</sup> (b) (6) stated that if his staff used Gove vehicles they did so without his knowledge or permission.

A. On 21 October 2015, during an interview with (b) (6) NAVFAC EURAFSWA Assistant Operations Officer (b) (6), stated he used a government vehicle to perform personal services for (b) (6). He recalled that during the time period of (b) (6) move, that (b) (6) called (b) (6) on (b) (6) cell phone. (b) (6) told (b) (6) to go out to (b) (6) house. (b) (6) and (b) (6) went out to (b) (6) house in the government vehicle. (b) (6) was at the house and showed (b) (6) and (b) (6) where to hang some pictures that (b) (6) wanted hung on the walls of his home. (b) (6) said that (b) (6) was present at the house, and he would have known that (b) (6) had used the government vehicle to come to his house.

B. (b) (6) also came back the second day, for about the (b) (6) time, and used the government vehicle as his mode of transportation to (b) (6) house. (b) (6) stated that (b) (6) knew that (b) (6) used the government vehicle, because (b) (6) saw the government vehicle. (b) (6) said that (b) (6) did not correct (b) (6) for using the government vehicle for this task.

C. On a separate occasion in 2015, (b) (6) called (b) (6) and told him to pick up some purchases (b) (6) had made at the NEX and bring them to his house. (b) (6) went to the NEX using the government-owned golf car and brought the purchases back to the environmental division building. He transferred the items to the government vehicle and brought them to (b) (6) house. (b) (6) was at his office and told (b) (6) not to use the government vehicle. (b) (6) recalls that (b) (6) said, "Use your car," or words to that effect. The items included about eight bags of groceries. (b) (6) recalls that the bags contained soap, drinks, and other liquids, among other items, which is why the bags were so heavy and why he could not use his personal vehicle. (b) (6) told (b) (6) that he could not carry these items because they were too heavy, so he had to use the government vehicle. (b) (6) recalls that (b) (6) said, "Ok."

D. On some occasions, (b) (6) would bring mail to Awin's house while (b) (6) was on leave. (b) (6) stated that he had to use the government vehicle to bring the large boxes home, because (b) (6) could not carry the large boxes through the turnstiles that separated the base from the lot where (b) (6) parks his POV. When asked how big of a box required the use of the government vehicle, (b) (6) held his hands up at a distance of about two feet. (b) (6) indicated that on the occasions when (b) (6) was present and (b) (6) drove the government vehicle to (b) (6) home, that (b) (6) would have known that (b) (6) drove the government vehicle.

(7) 20 May 2015, (b) (6) gave a statement that he used a government vehicle to move (b) (6) household goods from (b) (6) old residence to his new residence. He stated at least one Government Vehicle was assigned for the move.

A. On 21 October 2015, during an interview with (b) (6) NAVFAC EURAFSWA Assistant Operations Officer (b) (6) recalled when asked if he was aware of employees performing personal errands for (b) (6) he recalled that some personnel helped (b) (6) move a few years ago. He recalls this because he tried calling them to assign them official work, but they were unavailable due to helping (b) (6) with his move. He recalls that (b) (6), (b) (6), and (b) (6) were involved in this task. He recalls it was during the work day and that the at least one of the three government-owned pickup trucks assigned to environmental was used.

#### **b. Analysis/Discussion/Conclusion**

(1) 41 CFR 109-38 Subpart 109-38.3—Official Use of Government Motor Vehicles in accordance with 31 U.S.C. 638a(c)(2), clearly states the use of Government-owned or -leased motor vehicles is restricted to official purposes.

(2) The Joint Ethics Regulation (JER) Subpart G, (5 CFR part 2635.704) clearly states an employee has a duty to protect and conserve Government property and shall not use such property, or allow its use, for other than authorized purposes.

<sup>13</sup> (b) (6) was conducting a JAGMAN investigation into the same allegations.

(3) (b) (6) and (b) (6) (S) all gave statements claiming they use a government vehicle to complete the personal tasking's for Mr Almasri.

(4) (b) (6) stated that he never authorized his staff to use government vehicles to perform any of the personal tasking's<sup>14</sup>. If his staff used the government vehicles it was against his guidance and policy.

(5) Based upon the preponderance of the evidence, I concluded the allegation is substantiated.

c. **Recommendations.** Take appropriate administrative action to hold (b) (6) accountable.

d. **Disposition.** Forwarded to higher authority for appropriate administrative and/or corrective action.

5. **Forth Allegation.** That (b) (6) Supervisory Environmental Program Manager Public Works Department NSA Bahrain, did submit fraudulent travel voucher claims in violation of U.S. Code, Title 18, Sections 287 and 101 and Title 31, Section 3729 and the Defense Travel System instruction.  
**Substantiated.**

**a. Facts**

(1) On 25 February 2015, (b) (6) NAVFACURAFSWA's Command Inspector General, conducted a focus group with the Local National workers from Bahrain's Public Works Department. Focus group members stated that they regularly drive (b) (6) to the airport for both personal and professional travel.

(2) 25 and 26 March 2015, (b) (6) conducted witness interviews.

(3) 25 and 26 March 2015, during witness interviews it was disclosed the various Environmental Department employees would regularly drive (b) (6) to and from the airport while (b) (6) travel on official business.

(4) 25 March 2015, (b) (6) stated he has driven (b) (6) to the airport.

(5) 25 March 2015, (b) (6) stated she has driven (b) (6) to the airport.

(6) 25 March 2015, (b) (6) stated he has driven (b) (6) to the airport.

(7) 26 March 2015, during the subject interview with (b) (6) he disclosed that his staff drove him to the airport approximately thirty (30) percent of the time from the beginning of 2014 until his interview.

(8) 25 March 2014, (b) (6) audited (b) (6) travel vouchers. (b) (6) submitted a voucher for taxi cab service to and from the airport on every voucher for all of calendar year 2014 up to March 2015 with the exception of his travel voucher submitted on 29 March 2015<sup>15</sup>.

(9) 13 May 2015, (b) (6) submitted a written statement stating he has driven (b) (6) to the airport.

**b. Analysis/Discussion/Conclusion**

<sup>14</sup> (b) (6) called them favors

<sup>15</sup> This voucher was submitted after (b) (6) s interview with (b) (6)

(1) US Code, Title 18 Section 287 clearly states "Whoever makes or presents to any person or officer in the civil, military, or naval service of the United States, or to any department or agency thereof, any claim upon or against the United States, or any department or agency thereof, knowing such claim to be false, fictitious, or fraudulent, shall be imprisoned not more than five years and shall be subject to a fine in the amount provided in this title".

(2) US Code, Title 18 Section 1001 clearly states "Except as otherwise provided in this section, whoever, in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and willfully— Shall be fined under this title.

(1) Falsifies, conceals, or covers up by any trick, scheme, or device a material fact;

(2) Makes any materially false, fictitious, or fraudulent statement or representation; or

(3) Makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry.

(3) Title 31, Section 3729 clearly states any person who knowingly presents, or causes to be presented, a false or fraudulent claim for payment or approval, knowingly makes, uses, or causes to be made or used, a false record or statement material to a false or fraudulent claim, is liable to the U.S. Government.

(4) Personnel are required to review and submit a statement through the Defense Travel System acknowledging their travel voucher record is accurate and is a legal claim against the U.S. Government.

(5) (b) (6) submitted requests for transportation via a taxi cab on all twelve of his Temporary Duty Travel from 10 February 2014 until 19 March 2015.

(6) Witness statements support that indeed (b) (6) was driven to the airport by his staff.

(7) (b) (6) admitted on 26 March 2015 that approximately thirty (30) percent of the time he traveled his staff drove him to the airport.

(5) Based upon the preponderance of the evidence, I concluded the allegation is substantiated.

c. **Recommendations.** Take appropriate administrative action to hold (b) (6) accountable.

d. **Disposition.** Forwarded to higher authority for appropriate administrative and/or corrective action.

**6. Fifth Allegation.** That (b) (6) Supervisory Environmental Program Manager Public Works Department NSA Bahrain, failed to actively participate or answer all questions during his interview in violation of the Inspector General Act of 1978, as amended, letter directing his participation by (b) (6) (DATED) and his Kalkines warnings and rights. **Substantiated.**

**a. Facts**

(1) 9 June 2015, (b) (6) presented (b) (6) a letter from (b) (6) Naval Facilities Command Europe Africa Southwest Asia, Environmental Business Line Coordinator directing him to participate in the investigation into the allegations against him.

(2) 9 June 2015, (b) (6) issued (b) (6) Kalkines rights granting him use immunity into the administrative allegations against him. He was also notified his failure to participate could result in administrative actions against him including termination.



(3) 9 June 2015, (b) (6) conducted a follow-up interview with (b) (6) refused to participate in answering any questions that pertained to travel voucher fraud.

(4) 23 June 2015, (b) (6) reissued subject notifications to (b) (6) that included one new allegation. The additional allegation is he failed to participate in the investigation as directed by his letter from (b) (6) SECNAVINST 5430.57G and his Kalkines rights.

#### **b. Analysis/Discussion/Conclusion**

(1) SECNAV INSTRUCTION 5430.57G clearly states "All DON personnel are obligated to fully assist and cooperate with all IG actions, including inspections, investigations and inquiries. This obligation specifically includes submitting to questioning, consistent with Constitutional, Statutory and regulatory due process".

(2) (b) (6) Naval Facilities Engineering Command, Europe Africa Southwest Asia, Environmental Business Line Coordinator provided a letter to Mr. (b) (6) directing his participation that clearly stated "You are hereby directed to provide information to determine whether administrative action is warranted based on information gathered during a command Inspector General investigation". Additionally, it clearly stated, "Per reference (b),<sup>17</sup> all Department of the Navy personnel are obligated to fully assist and cooperate in all investigations conducted by the Inspector General. Failure to comply with this order may result in disciplinary action, including dismissal, based on your refusal to reply fully and truthfully."

(3) (b) (6) was issued use immunity via Kalkines warnings and assurances. These rights clearly state that (b) (6) has have a duty to reply to questions, and agency disciplinary action, including dismissal maybe undertaken if you refuse to answer, or fail to reply fully and truthfully. Additionally, the Kalkines warnings and assurances clearly state "Neither your answers nor any information or evidence which is gained by reason of such statements can be used against you in any criminal proceedings except that if you knowingly and willfully provide false statements or information in your answers, you may be criminally prosecuted for that action".

(4) 9 June 2015, (b) (6) refused to answer any questions that related to possible travel voucher fraud.

(5) Based upon the preponderance of the evidence, I concluded the allegation is substantiated

c. **Recommendations.** Take appropriate administrative action to hold (b) (6) accountable.

d. **Disposition.** Forwarded to higher authority for appropriate administrative and/or corrective action.

#### **5. Interviews and Documents**

a. **Interviews conducted.** (All interviews conducted in person unless otherwise noted.)

(1) (b) (6) (subject), Supervisory Environmental Program Manager Public Works Department NSA Bahrain, GS-14

(2) (b) (6) (witness), Public Works Department, Environmental Department

(3) (b) (6) (witness), Public Works Department, Environmental Department

(4) (b) (6) (witness), Public Works Department, Environmental Department

<sup>16</sup> Prior to the interview (b) (6) s attorney stated that he didn't believe NAVFACEURAFSWA's Command Inspector General had the authority to grant use immunity.

<sup>17</sup> Reference (b) is SECNAV INSTRUCTION 5430.57G

- (5) (b) (5) (D) (witness), Public Works Department, Environmental Department
- (6) (b) (5) (witness), Public Works Department, Environmental Department
- (7) (b) (5) (D) (witness), Public Works Department, Environmental Department
- (8) (b) (5) (D) (witness), Public Works Department, Environmental Department
- (9) (b) (5) (witness), Public Works Department, Environmental Department
- (10) (b) (5) (D) (witness), Public Works Department, Environmental Department
- (11) (b) (5) (D) (witness), Public Works Department, Environmental Department
- (12) (b) (5) (D) (witness), Public Works Department, Environmental Department
- (13) Mr. Praveen Parambil (witness), Public Works Department, Environmental Department

**b. Written Statements**

- (1) (b) (5) (D) (witness), Public Works Department, Environmental Department
- (2) (b) (5) (witness), Public Works Department, Environmental Department
- (3) (b) (5) (D) (witness), Public Works Department, Environmental Department
- (4) (b) (5) (witness), Public Works Department, Environmental Department
- (5) (b) (5) (D) (witness), Public Works Department, Environmental Department
- (6) (b) (5) (D) (witness), Public Works Department, Environmental Department
- (7) (b) (5) (witness), Public Works Department, Environmental Department
- (8) (b) (5) (D) (witness), Public Works Department, Environmental Department
- (9) (b) (5) (D) (witness), Public Works Department, Environmental Department
- (10) (b) (5) (D) (witness), Public Works Department, Environmental Department

**b. Documents reviewed**

- (1) Anonymous letter to (b) (5) (D)
- (2) Anonymous letter to (b) (5) (D)
- (3) (b) (5) (D) travel vouchers From Jan 2014 to March 2015.
- (4) Joint Ethics Regulation (JER), Subpart G, (5 CFR Part 2635.701).
- (5) Email from (b) (5) (D) Monday, February 16, 2015 9:58 AM
- (6) 114S-38.301-70 Official Use of Government-Owned or -Leased Motor Vehicles.

(7) Central Command Regulation 690-3 (CCR 690-3) 8 January 2015 ADMINISTRATION AND MANAGEMENT OF DEPARTMENT OF DEFENSE NON-U.S. CITIZEN EMPLOYEES – BAHRAIN Chapter 6 - SICK LEAVE.

(8) Central Command Regulation 690-3 (CCR 690-3) 8 January 2015 ADMINISTRATION AND MANAGEMENT OF DEPARTMENT OF DEFENSE NON-U.S. CITIZEN EMPLOYEES – BAHRAIN Chapter 10-7. WASTE OR EMBEZZLEMENT OF ASSETS AND MISUSE OF LABOR.

(9) Joint Ethics Regulation (JER) Subpart G, (5 CFR Part 2635.704).

(10) Defense Travel System computer voucher program

(11) Staff sick leave totals spreadsheet.

(12) SECNAV INSTRUCTION 5430.57G.

(13) (b) (6) letter directing (b) (6) participation.

(14) (b) (6) Kalkines warning and assurance letter.

(15) US Code, Title 18 Section 287

(16) US Code, Title 18 Section 1001

(17) US Code, Title 31, section 3729